

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. Box 1347
WILMINGTON, DELAWARE 19899-1347

302 658 9200
302 658 3989 FAX

JACK B. BLUMENFELD
302 351 9291
302 425 3012 FAX
jblumenfeld@mnat.com

December 20, 2006

BY E-FILING

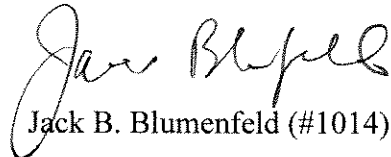
The Honorable Joseph J. Farnan
United States District Court
844 King Street
Wilmington, DE 19801

Re: *Technology Licensing Corporation v. Rational Cooking Systems, Inc.*
C.A. No. 06-515 (JJF)

Dear Judge Farnan:

Pursuant to Your Honor's December 5, 2006 letter, I am enclosing a proposed scheduling order for this case, including dates that have been agreed upon by the parties. In paragraph 7, we have included a September 14, 2007 date for a Markman hearing, subject of course to the Court's availability on that date. In addition, we have included in paragraphs 4 and 8 the procedures set forth in your December 15, 2006 Standing Order on non-dispositive motions in patent cases. If Your Honor has any questions, counsel will be available for a telephone conference.

Respectfully,


Jack B. Blumenfeld (#1014)

cc: Peter T. Dalleo, Clerk (By Hand)
Frederick L. Cottrell, III, Esquire (By Hand)
Edward H. Haug, Esquire (By Email)
Rory J. Radding, Esquire (By Email)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TECHNOLOGY LICENSING CORPORATION,)	
a Florida corporation,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-515 (JJF)
)	
RATIONAL COOKING SYSTEMS, INC.,)	
a Delaware corporation,)	
)	
Defendant.)	

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by December 22, 2006 the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before April 13, 2007.
3. **Discovery.**
 - (a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by March 16, 2007.
 - (b) Maximum of 50 interrogatories, including contention interrogatories, for each side.

(c) Unlimited requests for admission by each side.

(d) Maximum of 15 depositions by plaintiff and 15 by defendant, excluding expert depositions.

Depositions shall not commence until the discovery required by Paragraph 3(a) is completed, except defendant reserves the right to seek to take the depositions of Mario G. Ceste and The Law Offices of Mario G. Ceste, LLC prior to the completion of the paragraph 3(a) discovery.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the party who bears the burden of proof by December 7, 2007; rebuttal expert reports are due January 25, 2008.

(f) Expert discovery shall close on February 25, 2008.

(g) Fact discovery shall close on November 16, 2007.

4. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion along with a Notice of Motion and an Opening Brief. The hearing date selected shall be within thirty (30) days of the filing of the motion and allow for briefing in accordance with the Federal and Local Rules.

(b) Upon filing of the Notice of Motion a copy of said Notice shall be sent to Chambers at jjf_civil@ded.uscourts.gov.

(c) At the motion hearing, each side shall allocate twenty (20) minutes to argue and respond to questions from the Court.

(d) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before March 30, 2007.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before April 21, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be held on September 14, 2007. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. **Application by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedures and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. and be made in accordance with the Court's December 15, 2006 Order on Procedures for filing non-dispositive motions in patent cases. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The email shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

DATE

UNITED STATES DISTRICT JUDGE

549511